



# House of Representatives

General Assembly

**File No. 73**

February Session, 2000

Substitute House Bill No. 5141

*House of Representatives, March 16, 2000*

The Committee on Judiciary reported through REP. LAWLOR of the 99<sup>th</sup> Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***An Act Concerning The Issuance Of A Search Warrant.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 54-33a of the general statutes is repealed and the following  
2 is substituted in lieu thereof:

3 (a) As used in sections 54-33a to 54-33g, inclusive, "property"  
4 includes, without limitation, documents, books, papers, films,  
5 recordings and any other tangible thing.

6 (b) Upon complaint on oath by any state's attorney or assistant  
7 state's attorney or by any two credible persons, to any judge of the  
8 Superior Court, that [he or they] such state's attorney or assistant  
9 state's attorney or such persons have probable cause to believe that any  
10 property (1) possessed, controlled, designed or intended for use or  
11 which is or has been used or which may be used as the means of  
12 committing any criminal offense; or (2) which was stolen or  
13 embezzled; or (3) which constitutes evidence of an offense, or that a

14 particular person participated in the commission of an offense, is  
15 within or upon any place, thing or person, such judge, except as  
16 provided in section 54-33j, may issue a warrant commanding a proper  
17 officer to enter into or upon such place or thing, search the same or the  
18 person and take into [his] such officer's custody all such property  
19 named in the warrant.

20 (c) A warrant may issue only on affidavit sworn to by the  
21 complainant or complainants before the judge and establishing the  
22 grounds for issuing the warrant, which affidavit shall be part of the  
23 arrest file. If the judge is satisfied that grounds for the application exist  
24 or that there is probable cause to believe that they exist, [he] the judge  
25 shall issue a warrant identifying the property and naming or  
26 describing the person, place or thing to be searched. The warrant shall  
27 be directed to any police officer of a regularly organized police  
28 department or any state policeman or to a conservation officer, special  
29 conservation officer or patrolman acting pursuant to section 26-6. [It]  
30 The warrant shall state the date and time of its issuance and the  
31 grounds or probable cause for its issuance and [it] shall command the  
32 officer to search within a reasonable time the person, place or thing  
33 named, for the property specified. The inadvertent failure of the  
34 issuing judge to state on the warrant the date or time of its issuance  
35 shall not in and of itself invalidate the warrant.

**JUD Committee Vote:** Yea 38 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** Judicial Department

**Municipal Impact:** None

**Explanation****State Impact:**

This bill would require that a judge write the date and time on a search warrant when it is issued. There is no fiscal impact as a result of this bill.

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**OLR Bill Analysis**

sHB 5141

***AN ACT CONCERNING THE ISSUANCE OF A SEARCH WARRANT.***

**SUMMARY:**

This bill adds a requirement that a search warrant contain the date and time of its issuance. As under current law, the warrant must still (1) identify the property to be searched for; (2) name or describe the person, place, or thing to be searched; (3) state the grounds or probable cause for issuing the warrant; and (4) command the officer to conduct the search for the specified property within a reasonable time.

The bill also provides that a warrant is not invalid solely because the judge inadvertently failed to include the date or time of issuance on it.

EFFECTIVE DATE: October 1, 2000

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 38      Nay 0